

TROY LAW, PLLC

ATTORNEYS / COUNSELORS AT LAW

Tel: 718 762 1324 johnstroy@troypllc.com Fax: 718 762 1342

41-25 Kissena Blvd., Suite 103, Flushing, New York 11355

July 29, 2021

Via ECF

Hon. Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Joint Letter regarding the Status of Case and Discovery:
Chen v. Matsu Fusion Restaurant Inc et al (1:19-cv-11895-JMF)

Your Honor,

This office represents the Plaintiff in the above-referenced matter. We write this letter respectfully and jointly with both Defense counsels pursuant to Your Honors Order dated June 26, 2021, stating that the parties are to provide a Joint Letter detailing the Status of the case and the contents described in the Case Management Plan and Scheduling Order no later than the Thursday before the scheduled Pretrial Conference.

Status of Consolidated Case

At the moment the Plaintiffs have served the newest Defendant in the consolidated case HUIYIM LAM a/k/a Hui Yim Lam a/k/a Wendy Lam and have filed their Summons Return Executed. *See* Dkt 101/ Dkt. 22. Plaintiffs' Counsel is waiting for the newest Defendant to retain counsel and answer Plaintiffs Complaint in the consolidated action. As for the newest Defendants being served, plaintiffs believes that there will have to be discovery regarding the newest Defendant and for that reason the parties have agreed to an Amended Case Management Plan and Scheduling Order that they plan to file to the Court along with this Status Letter.

Existing Deadlines, Due Dates and/or Cut-off Dates

At the moment the only existing deadline in the case is that the newest Defendant, Hiuyim Lam needs to answer Plaintiffs Complaint and Amended Complaint by August 16, 2021. Other than that, there are no other outstanding deadlines

Description of any Outstanding Motions

At the moment there are no outstanding motions in the matter

Status of Discovery

At the moment all paper discovery between the parties is completed. Parties though have not yet deposed each other in the matter. Additionally, with the newest party, Hiuyim Lam being served Plaintiffs will need time to conduct discovery pursuant to newest Defendant. As a result of these two things the parties have agreed on an amended Case Management Plan and Scheduling Order and plan to file it along with this status letter that they are providing to the court.

Prior Settlement Discussions

In the case there has been one Mediation and that was with Mediator Michael Wolfson, which was held on May 19, 2021 and the mediation was unsuccessful, the parties were far apart in their offers.

How Could the Court Help With Settlement

Plaintiff's position is that they don't believe that settlement is in their best interest at this juncture. Plaintiffs though are willing to go to another mediation with a Mediator if the parties can come to a closer agreement.

Defendants for Matsu Fusion position is that mediation will unlikely be fruitful at this point, and that the parties would be more likely to reach an agreement once discovery is complete.

Defendants for J&J Asian Bistro currently have no position in the matter

Anticipated Length of Trial

Parties would like the case to be tried by Jury and believe that the length of the trial should last 3-4 days.

Anticipated Filing for Motions of Summary Judgment

At this moment in time the parties do not intend to file any motion papers regarding Motion for Summary Judgment

We thank the Court for its attention to and consideration of this matter.

Respectfully submitted,
TROY LAW, PLLC

/s/Aaron Schweitzer
Aaron Schweitzer,
Attorneys for Plaintiff

AS/gd

Cc: via ECF
all counsel of record

The pretrial conference, currently scheduled for August 4, 2021, is hereby ADJOURNED until **September 1, 2021, at 3:00 p.m.** The parties' request to have the conference proceed by telephone, *see* ECF No. 25, is GRANTED. The parties should join the conference by calling the Court's dedicated conference line at (888) 363-4749 and using access code 542-1540, followed by the pound (#) key. (Members of the public and press may also attend using the same dial-in information; they will not be allowed to speak during the conference.) Counsel should review and comply with the rules regarding teleconferences in the Court's Individual Rules and Practices in Civil Cases, including Rule 2(B)(i), which requires the parties, no later than **24 hours before the conference**, to send a joint email to the Court with a list of counsel who may speak during the teleconference and the telephone numbers from which counsel expect to join the call.

No later than the **Thursday preceding the conference**, the parties are instructed to submit a new letter addressing the topics listed at ECF No. 85, at 5-6. The letter should also address the status of Defendant Hiuyin Lam. Additionally, to the extent that the parties seek entry of an amended Case Management Plan, they should submit a new proposed amendment no later than **the Thursday preceding the conference**. Unless the Court orders otherwise, the deadlines at ECF No. 85 remain in effect, except the Court *sua sponte* adjourns *sine die* the deadlines in Paragraphs 13 and 14 of the Case Management Plan.

Plaintiffs are ordered to serve a copy of this Order on Defendant Lam and file proof of service no later than **August 6, 2021**.

Counsel is reminded that, pursuant to the Court's Order at ECF No. 99, all filings should be made on the 19-CV-11895 docket and not the 21-CV-4757 docket. The Clerk of Court is directed to terminate ECF No. 104 (as well as ECF No. 25 on the 21-CV-4757 docket). SO ORDERED.

A handwritten signature in black ink, appearing to read "J. M. Jones", is written over a horizontal line.

August 4, 2021